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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MBI-0022 CIP

First Inventor HEARD, Jacqueline E.

Title PLANT TRANSCRIPTIONAL REGULATORS OF ABIOTIC STRESS

Express Mail Label No. EV 059 357 296 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 110]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 24]
5. Oath or Declaration [Total Pages 4]
- a. ☐ Newly executed (original or copy)
- b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF) (1 of Copy 3)
- b. Specification Sequence Listing on:
- i. ☒ CD-ROM or CD-R (2 copies); or
- ii. ☒ 2 CD-ROM's (1 of COPY 1; 1 of COPY 2) paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Petition For Inclusion of Color Photographs (2 pp., in duplicate)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP)

of prior application No.: (see pg. 2)

Prior application information:

Examiner:

Group Art Unit: 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

(Insert Customer Number or Bar Code label here)

or

☐ Correspondence address below

Name

23678

PATENT TRADEMARK OFFICE

Address

City

State

Zip Code

Country

Telephone

Fax

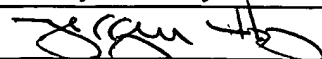
Name (Print/Type)

Jeffrey M. Libby, Ph.D.

Registration No. (Attorney/Agent)

48,251

Signature



Date

Sept 30, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

22387 U.S. PTO
10/675852

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	To Be Assigned
Filing Date	Herewith
First Named Inventor	HEARD, Jacqueline E.
Examiner Name	To Be Assigned
Group Art Unit	1638
Attorney Docket No.	MBI-0022 CIP

TOTAL AMOUNT OF PAYMENT (\$) 1018.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 50-1025
Deposit Account Name Mendel Biotechnology, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740 201 370		Utility filing fee	750.00
106 330 206 165		Design filing fee	
107 510 207 255		Plant filing fee	
108 740 208 370		Reissue filing fee	
114 160 214 80		Provisional filing fee	

SUBTOTAL (1) (\$) 750.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	18.00	54.00
4	-3** = 1	84.00	84.00
Multiple Dependent		0.00	138.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18 203 9		Claims in excess of 20
102 84 202 42		Independent claims in excess of 3
104 280 204 140		Multiple dependent claim, if not paid
109 84 209 42		** Reissue independent claims over original patent
110 18 210 9		** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 138.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

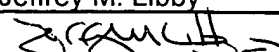
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130 205 65		Surcharge - late filing fee or oath	
127 50 227 25		Surcharge - late provisional filing fee or cover sheet	
139 130 139 130		Non-English specification	
147 2,520 147 2,520		For filing a request for <i>ex parte</i> reexamination	
112 920* 112 920*		Requesting publication of SIR prior to Examiner action	
113 1,840* 113 1,840*		Requesting publication of SIR after Examiner action	
115 110 215 55		Extension for reply within first month	
116 400 216 200		Extension for reply within second month	
117 920 217 460		Extension for reply within third month	
118 1,440 218 720		Extension for reply within fourth month	
128 1,960 228 980		Extension for reply within fifth month	
119 320 219 160		Notice of Appeal	
120 320 220 160		Filing a brief in support of an appeal	
121 280 221 140		Request for oral hearing	
138 1,510 138 1,510		Petition to institute a public use proceeding	
140 110 240 55		Petition to revive - unavoidable	
141 1,280 241 640		Petition to revive - unintentional	
142 1,280 242 640		Utility issue fee (or reissue)	
143 460 243 230		Design issue fee	
144 620 244 310		Plant issue fee	
122 130 122 130		Petitions to the Commissioner	130.00
123 50 123 50		Processing fee under 37 CFR 1.17(q)	
126 180 126 180		Submission of Information Disclosure Stmt	
581 40 581 40		Recording each patent assignment per property (times number of properties)	
146 740 246 370		Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740 249 370		For each additional invention to be examined (37 CFR § 1.129(b))	
179 740 279 370		Request for Continued Examination (RCE)	
169 900 169 900		Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

Name (Print/Type)	Jeffrey M. Libby	Registration No. (Attorney/Agent)	48,251	Telephone	510-259-6138
Signature		Date	Sep 30, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Continued From Page 1 of Utility Patent Application Transmittal

Prior applications:

US Non-Provisional Application No. 10/412,699, filed April 10, 2003;
US Non-Provisional Application No. 09/533,030, filed March 22, 2000;
US Provisional Application No. 60/125,814, filed March 23, 1999;
US Non-Provisional Application No. 09/713,994, filed November 16, 2000;
US Provisional Application No. 60/166,228, filed November 17, 1999;
US Provisional Application No. 60/197,899, filed April 17, 2000;
US Provisional Application No. 60/227,439, filed August 22, 2000;
US Non-Provisional Application No. 10/112,887, filed March 18, 2002;
US Non-Provisional Application No. 10/286,641, filed January 23, 2003;
US Non-Provisional Application No. 10/225,068, filed August 9, 2002;
US Non-Provisional Application No. 10/225,066, filed August 9, 2002;
US Non-Provisional Application No. 10/374,780, filed February 25, 2003;
US Non-Provisional Application No. 09/837,944, filed April 18, 2001;
US Non-Provisional Application No. 10/171,468, filed June 14, 2002;
US Provisional Application No. 60/310,847, filed August 9, 2001;
US Provisional Application No. 60/336,049, filed November 19, 2001;
US Non-Provisional Application "Polynucleotides and Polypeptides in Plants" filed September 18, 2003;
US Provisional Application No. 60/434,166, filed December 17, 2002;
US Provisional Application No. 60/411,837, filed September 18, 2002.

Continued From Page 1 of Utility Patent Application Transmittal

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US Provisional Application No. 60/227,439, filed August 22, 2000;
US Non-Provisional Application No. 10/112,887, filed March 18, 2002;
US Non-Provisional Application No. 10/286,641, filed January 23, 2003;
US Non-Provisional Application No. 10/225,068, filed August 9, 2002;
US Non-Provisional Application No. 10/225,066, filed August 9, 2002;
US Non-Provisional Application No. 10/374,780, filed February 25, 2003;
US Non-Provisional Application No. 09/837,944, filed April 18, 2001;
US Non-Provisional Application No. 10/171,468, filed June 14, 2002;
US Provisional Application No. 60/310,847, filed August 9, 2001;
US Provisional Application No. 60/336,049, filed November 19, 2001;
US Non-Provisional Application "Polynucleotides and Polypeptides in Plants" filed
September 18, 2003;
US Provisional Application No. 60/434,166, filed December 17, 2002;
US Provisional Application No. 60/411,837, filed September 18, 2002.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Heard et al.

Title: PLANT TRANSCRIPTIONAL REGULATORS OF ABIOTIC STRESS

Serial No.: TBA

Filing Date: Herewith

Examiner: TBA

Group Art Unit: TBA

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR INCLUSION OF COLOR PHOTOGRAPHS IN A UTILITY PATENT
APPLICATION PURSUANT TO 37 C.F.R. §1.84(B)(2)

Dear Sir:

This is a request under the provisions of 37 CFR 1.84(B)(2) to include at least one color photograph in the above-referenced utility patent application. Applicant herewith includes three (3) sets of the color photographs (Figures 6A-6D, and Figures 7A-7B).

Applicant has included the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee.

10/07/2003 TBESHAH1 00000037 501025 10675852

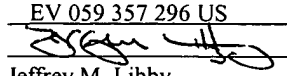
04 FC:1460 130.00 DA

Certificate of Express Mailing

I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR '1.10, addressed to: Mail Stop Patent Application, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: September 30, 2003

Express Mail label number EV 059 357 296 US

Signature: 

Printed name:

Jeffrey M. Libby

Applicant respectfully submits that the inclusion of color photographs in the utility patent application is necessary for the following reasons.

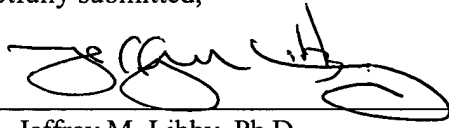
1) For Figures 7A, 7B, 7C and 7D, the effects of water deprivation are best contrasted by comparing the differences in the degree of wilting and color between control and transgenic plants that appear in these photographs. Control plants appear wilted and are pale or gray-green in color, whereas transgenic plants are somewhat less wilted and are a medium green color. This color difference is much more pronounced in the photographs showing the effects of rewatering. Control plants are largely desiccated and brown, whereas the transgenic plants have recovered as indicated by their return to a vivid green color.

2) For Figures 8A-8B, 9A-D, and 10A-10H, the use of color is advantageous in determining the degree of cotyledon expansion, since the edges of the cotyledons are best identified by contrasting their green color against the background.

The Commissioner is hereby authorized to charge Mendel Biotechnology, Inc., Deposit Account No. **50-1025**, the amount of **\$130.00**, the fee for such a petition as set forth under 37 C.F.R. §1.17(i), or charge the correct fee to said Deposit Account, as the Commissioner deems appropriate.

Respectfully submitted,

Date: Sept 29, 2003

By: 
Jeffrey M. Libby, Ph.D.
Registration No. 48,251
Direct Telephone: (510) 259-6138